

“Planning For The Future” (2007)

Patrick Keyzer & Terry Carney

Research indicates that there is significant unmet need for legal services for carers¹ of people with impaired competence.² People with impaired competence and their carers need better access to legal planning and related services, which are inexpensive, well-informed, independent, reliable and sensitive to their needs. This Report reviews institutional and administrative arrangements, laws and mechanisms for independent oversight of financial management arrangements for people with impaired competence, particularly in Queensland. It considers competency as a legal concept and identifies the types of people who may fall into the category of impaired competency. The Report provides an insight into the legal needs of older carers. It describes the different types of *private* and *public* legal options – i.e. wills, powers of attorney, trusts and guardianship and administration – available to carers and the ability of each option to meet the disability goals of the carer and person affected. The Report then moves on to a discussion of the social realities of providing legal planning. It examines the measures that should be taken to help people with impaired competence and their carers realise their human rights when planning for the future. “Planning For The Future” is intended for anyone with an interest in the social and legal dimensions of planning for the future needs of a person with impaired competence, including carers, legal practitioners, policy-makers, academics and the general public.

If you would like a full-text copy of “Planning For The Future” please contact Professor Patrick Keyzer, Bond University at: pkeyzer@bond.edu.au

¹ This concept is inclusive of parents, spouses, children, family members and friends who provide unpaid support and assistance to a person whose competence has been impaired.

² Impaired competency is a legal term which is used to refer to the ability of a person to make legal decisions about their money, property and care in the future. It is possible for anyone to lose their ‘competency’ to make these important legal decisions. The factors that may affect a person’s competency to make them include: developmental disability, acquired brain injury, dementia and/or chronic mental illness.